

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12372 of 2005

Between:

M/s. Yuvabhakthi Enterprises, rep by its Managing Partner,
Mr. J. Raja Reddy, S/o. Narayana Reddy, aged 55 years,
R/o. H.No. 2-7-748, Central Excise Colony, Hahamkonda,
Warangal District.

..... PETITIONER

AND

- 1 The Govt. of A.P. rep by its Principal Secretary, R & B, Secretariat, Hyderabad.
- 2 The Superintending Engineer, Roads and Buildings Circle,
Warangal, Warangal District.
- 3 The Executive Engineer, Roads and Buildings Division,
Warangal, Warangal District.
- 4 The Pay and Accounts Officer, K.C.C. Hanamkonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that G.O.Ms.No.217, dt.29-9-2004 is not applicable to the Agreement No. 04/2004-05, dated 17-6-2004 entered with the petitioner and applying such GOs, as arbitrary, illegal and violative of Article 14 and 21 of the constitution of India and consequently direct the respondents not to recover enhanced Seigniorage charge under G.O.Ms.No. 217, dated 29-9-2004 and further direct to collect the seigniorage charges as mentioned in the Agreement.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents : GP FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus declaring that G.O.Ms.No.217, dated 29.9.2004 is not applicable to the Agreement dated 17.6.2004 entered with the petitioner, and therefore, the rates fixed under the above G.O., as the seignorage charges, are not applicable, and the respondents are not entitled to collect the seignorage charges as per the revised rates fixed in the G.O.

2. According to the petitioner, it had entered into an agreement with the respondents-authorities for execution of certain works under an Agreement dated 17.6.2004. The claim of the petitioner is that as per the terms of the agreement the petitioner has to pay seignorage charges at the rates specified in the agreement, but not as per the revised notification dated 29.09.2004. But, however, the respondents are sought to collect the seignorage charges at the revised rates specified in the Notification dated 29.09.2004. Hence, the present writ petition.

3. Heard both sides and considered the material on record.

4. The writ petition is disposed of directing the respondents to collect the seignorage charges as per the agreement only, unless it is provided for collection of revised rates of seignorage charges under the terms of the agreement. If the terms of the agreement provide that the petitioner is liable to pay seignorage charges as per the revised rates, the respondents are accordingly entitled to collect the same at the revised rates.

5. The writ petition is disposed of with the above directions. No costs.

S. Ananda Reddy, J.

Dt. 21.06.2005

Note: Issue copy

In a week. (bo)

Kvh

To

To

- 1 The Principal Secretary, R & B, Secretariat, Hyderabad.
- 2 The Superintending Engineer, Roads and Buildings Circle,
Warangal, Warangal District.
- 3 The Executive Engineer, Roads and Buildings Division,
Warangal, Warangal District.
- 4 The Pay and Accounts Officer, K.C.C. Hanamkonda, Warangal District
- 5 Two CD copies